

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Wilbert DUNN

Defendant

Case No.

2:19-mj-170

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/06/2019 in the county of Franklin in the Southern District of Ohio, the defendant violated 21/18 U. S. C. § 841 / 924(c), an offense described as follows:


Possess with intent to manufacture, distribute, or dispense a controlled substance, to wit: "crack" cocaine in excess of 280 grams and cocaine in excess of 500 grams, in violation of Title 21, United States Code, Section 841.

Possess a firearm in furtherance of a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c).

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Robert Kukovec, Special Agent (HSI)

Printed name and title

Sworn to before me and signed in my presence.

Date:

3-7-19



Judge's signature

City and state:

Columbus, Ohio

Chelsey M. Vascara, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, **Robert Kukovec**, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been employed as a Special Agent since April 2002, and I am currently assigned to the HSI office in Columbus, Ohio. I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to a multi-jurisdictional narcotics task force in the central Ohio area, and I am cross-designated to investigate violations of Title 21 of the United States Code. Prior to my employment with HSI (and formally U.S. Customs), I was employed as a police officer in the state of Ohio for approximately 8.5 years. My responsibilities and duties include the investigation and enforcement of federal laws and regulations related to customs and immigration violations, including but not limited to narcotics, financial crimes, fraud, and violations of the Immigration and Nationality Act.

2. The information set forth in this affidavit is based upon my knowledge, training, experience, and participation in investigations involving the smuggling, possession, distribution, and storage of narcotics and narcotics proceeds. This information is also based on the knowledge, training, experience, and investigations conducted by fellow law enforcement officers, which have reported to me either directly or indirectly. I

believe this information to be true and reliable. I know it is a violation of 21 U.S.C. § 841 for any person to possess with intent to manufacture, distribute, or dispense a controlled substance (to wit: "crack" cocaine in excess of 280 grams and cocaine in excess of 500 grams). I further know it is a violation of 18 U.S.C. § 924(c) to use or carry a firearm, or who, in furtherance of a drug trafficking crime, possesses a firearm.

PROBABLE CAUSE

3. The Delaware County Drug Task Force (DCDTF) and HSI Columbus have been conducting an ongoing narcotics investigation into Wilbert DUNN at 1524 East 26th Avenue, Columbus, OH 43211. DUNN is allegedly involved in the distribution and trafficking of cocaine/"crack" cocaine in the central Ohio area.

4. On December 17, 2018, a marked police cruiser with the City of Delaware Police Department (DPD) in Delaware, Ohio initiated a traffic stop on a vehicle after observing several marked lane violations. The vehicle had Michigan license plates and the occupants reported driving from Detroit, Michigan to Columbus, Ohio. A consent search of the vehicle was conducted which resulted in the discovery and seizure of eight (8) kilograms of cocaine located in an electronic hidden compartment in the vehicle. A search warrant was executed on the driver's cellular phone after information was provided that the phone's maps function was being utilized to travel to a residence in Columbus, Ohio. The destination was identified as 1524 East 26th Avenue, Columbus, OH 43211.

5. In December 2018, investigators conducted surveillance at 1524 East 26th Avenue in Columbus, Ohio on two separate days at the end of the month and observed people coming and going from the residence. The subjects would enter the residence and leave after staying for only a few minutes. In a three hour time period, investigators

observed approximately 40 subjects come and go from the residence. Both the front and rear doors of this residence were being utilized by these subjects. The residence was also equipped with a surveillance camera mounted at the front of the residence and possibly two additional surveillance cameras mounted at the rear of the residence. The windows on the residence were blocked by metal bars, and the front and rear doors both had a metal door with bars that had to be unlocked prior to the residents unlocking the main doors. Based on my training and experience investigating drug trafficking offenses, visits of short duration such as these were indicative of drug trafficking as well as the presence of surveillance cameras and reinforced doors and windows.

6. Through surveillance, investigators were able to identify the two primary residents at this location as Wilbert DUNN and Melvin James HALL. Both subjects have vehicles registered to them which were parked outside the residence when the aforementioned activity was occurring. DUNN had a grey 2006 Buick Lucerne (Ohio registration HGN3403) registered to him and HALL had a grey 2004 Acura TL (Ohio registration HGJ1808) registered to him. Both subjects are convicted felons and have prior drug arrests including Trafficking in Drugs and Drug Possession with The Intent to Sell.

7. In January 2019, investigators conducted surveillance on six separate days at 1524 East 26th Avenue in Columbus, Ohio. Surveillance during these times observed a steady flow of subjects going to the residence and only staying for short periods of time. Hand to hand transactions were observed at the front door as the subjects briefly met with someone inside the residence before turning around and leaving. The foot traffic to the residence occurred at all times throughout the day and night. Through surveillance, investigators determined that when the residents' vehicles belonging to DUNN and HALL

were not parked at or near the residence, little to no activity occurred. This was observed as subjects would go to the front door when both vehicles were not present, and no contact would be made with anyone in the residence. Surveillance also showed the majority of the foot traffic to the residence occurred when DUNN's grey 2006 Buick Lucerne (Ohio registration HGN3403) was parked at the residence.

8. In February 2019, investigators with the Columbus Police Department Narcotics Unit (CPD Narcotics) conducted a controlled purchase of drugs at 1524 East 26th Avenue in Columbus, Ohio with the use of a confidential informant (CI). It was reported by the CI that a black male inside the target residence matching the description of DUNN pulled out a handgun from his pants after telling the CI he did not know him/her. CPD Narcotics also received information in reference to suspected drug activity at this residence leading to their investigation at this location.

9. In February 2019, investigators conducted surveillance at 1524 East 26th Avenue in Columbus, Ohio on five separate days from February 14 through February 22. During these surveillances at the residence, both DUNN and HALL's vehicles were parked out front on the street. Investigators observed a high number of people going to and from the residence. In a five hour time period, investigators observed approximately 40 people come and go from the residence. Investigators even observed DUNN and HALL following subjects out of the front door after the short interactions.

10. On March 1, 2019, investigators conducted surveillance at 1524 East 26th Avenue in Columbus, Ohio from 0700 hours to approximately 1100 hours. During this time period, investigators observed approximately 26 subjects arrive at the residence and then leave after staying for only short periods of time. The subjects utilized both the front

and rear doors after parking on the street near the residence. DUNN's grey 2006 Buick Lucerne (Ohio registration HGN3403) was parked directly in front of the residence during this time.

11. On March 3, 2019 and March 4, 2019, investigators conducted surveillance at 1524 East 26th Avenue in Columbus, Ohio. Investigators once again observed a high volume of foot traffic to the residence. The subjects would approach the front or rear of the residence and then leave after staying for only a short period of time. In approximately three hours, investigators observed approximately 25 subjects approach and leave the residence. DUNN's grey 2006 Buick Lucerne (Ohio registration HGN3403) was parked along the street in front of or near the residence during this time. The activity occurred into the early morning hours of March 4, 2019.

12. Throughout the course of the investigation on DUNN and HALL, investigators also observed both subjects travel frequently to two storage units at the Car-Go Self Storage located at 3613 Refugee Road, Columbus, OH 43232 (Units #U0010 and #Q0005). On March 5, 2019, Delaware County Sheriff's Office Deputy Troy Gibson and his narcotics detection canine, Cash, conducted a check of the outside of the storage units resulting in positive alerts for the presence of an odor of narcotics coming from both units #U0010 and #Q0005 belonging to DUNN and HALL.

13. On March 5, 2019, the DCDTF obtained State of Ohio search warrants through the Franklin County Municipal Court in Columbus, Ohio for 1524 East 26th Avenue in Columbus, Ohio as well as both the storage units (#U0010 and #Q0005) located at 3613 Refugee Road in Columbus, Ohio (Car-Go Self Storage) belonging to DUNN and HALL.

14. On March 6, 2019, the DCDTF and HSI Columbus executed the State of Ohio search warrants at 1524 East 26th Avenue in Columbus, Ohio and at both storage units (#U0010 and #Q0005) located at 3613 Refugee Road in Columbus, Ohio (Car-Go Self Storage) belonging to DUNN and HALL. The search warrant at 1524 East 26th Avenue was executed once DUNN was observed returning to the residence in his grey 2006 Buick Lucerne (Ohio registration HGN3403) and activity immediately picked up at the location with an immediate increase in foot traffic in and out of the residence. The search warrant at 1524 East 26th Avenue resulted in the discovery and seizure of approximately 200 grams of “crack” cocaine, marijuana, a large amount of U.S. currency, two handguns (one loaded), drug paraphernalia, drug packaging material, digital scale, and several cellular phones. The firearms were located near the kitchen table where most of the drugs, the scale, and the packaging material were located. DUNN was also located in the residence and arrested. Delaware County Sheriff’s Office Deputy Troy Gibson and his narcotics detection canine, Cash, conducted a check of DUNN’s grey Buick Lucerne resulting in a positive alert for the presence of an odor of narcotics coming from the vehicle. A probable cause search of the grey Buick Lucerne resulted in the discovery and seizure of approximately 700 grams of cocaine from the trunk of the vehicle.

15. A search of both of the storage units (#U0010 and #Q0005) located at 3613 Refugee Road in Columbus, Ohio (Car-Go Self Storage) resulted in the discovery of HALL’s grey 2004 Acura TL (Ohio registration HGJ1808) parked inside of unit #Q0005. Delaware County Sheriff’s Office Deputy Troy Gibson and his narcotics detection canine, Cash, conducted a check of HALL’s grey Acura TL resulting in a positive alert for the presence of an odor of narcotics coming from the vehicle. A probable cause search of the

grey Acura TL resulted in the discovery and seizure of approximately 330 grams of "crack" cocaine from inside the back seat floorboard area of the vehicle as well as several large bundles of U.S. currency and a computer flash drive from inside the trunk of the vehicle. There were also two digital scales located and seized from inside the storage unit itself. A search of storage unit #U0010 did not locate anything of evidentiary value.

CONCLUSION

16. Based on the facts set forth in this Affidavit, there is probable cause to believe that DUNN was in possession with intent to manufacture, distribute, or dispense a controlled substance (to wit: "crack" cocaine in excess of 280 grams and cocaine in excess of 500 grams), in the Southern District of Ohio, in violation of 21 U.S.C. § 841. Furthermore, there is probable cause to believe that DUNN possessed a firearm in furtherance of a drug trafficking crime, in the Southern District of Ohio, in violation of 18 U.S.C. § 924(c).

Respectfully submitted,



Robert Kukovec
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on this 7 day of March, 2019



UNITED STATES MAGISTRATE JUDGE